



RECEIVED

Accxx Communications, LLC

4035 Tampa Road Ste. 6000 Oldsmar, FL 34677 888-800-0878 800-245-7353 Fax

T.R.A. DOCKET ROOM

Thursday, September 25, 2003

Robert Fulmer
 Accxx Communications, LLC
 4035 Tampa Rd.
 Suite 6000
 Oldsmar, FL 34677

Reference: Workshop to gather information for compliance to Tenn. Code Ann. 65-21-114

Dear Mr. Jones,

I writing in response to the letter received 9-25-03 regarding the ability to comply with Tenn. Code Ann. 65-21-114. Accxx Communications LLC has received several complaints and has had to issue many credits for the inability to comply with Tenn. Code Ann. 65-21-114. Accxx is a switchless reseller of long distance services, which means we are a 1+ dialing company. Accxx does not offer local services, nor does Accxx own a switch, which requires all customers' subscribing to Accxx's long distance services to dial a 1 before dialing an area code and subsequent phone number to complete a long distance call.

The problem existing with this law, regarding resellers of long distance services, is that not only are there overlapping LEC territories which cause customer's to have to dial a 1 and area code before completing the number being dialed, but the state of Tennessee has put the burden upon the IXC rather than putting the burden on the LEC. It costs the LEC nothing to originate and terminate calls within their territory, yet the LEC is charging the ICX for the calls within counties, which in turn means the IXC charges the reseller and in these cases Accxx loses 100%. Accxx must pay the network invoice from the carrier for the calls within the same county, and then Accxx must credit the end user because of the Tenn. Code Ann. 65-54-114 for the same calls. An example of this can be found in Obion County, Tennessee. South Fulton and Union City are within the same county, but because there are overlapping LEC territories, Accxx's customers must dial 1 plus the area code and phone number to connect calls between the two cities. The customer must dial 1+, which puts them onto Accxx's carrier code within the LEC, the LEC passes the calls to the IXC to be billed, the IXC bills Accxx for the calls, Accxx bills the customer and then the customer either complains to the state of Tennessee or to Accxx, and either way, the customer receives a credit for the calls being made, because of Tenn. Code Ann. 65-21-114. I have been informed by the TRA that there are 6 areas within Tennessee where LEC territories overlap.

Accxx Communications LLC has had to stop offering Intralata long distance service to new customers because of Tenn. Code Ann. 65-21-114 and has had to covert existing customers to Interlata Only service. Accxx can't offer Intralata services within Tennessee and break even, much less make any profit to stay out of the red. Accxx has had to ask those customers living within Obion County to choose a different long distance carrier because there is no way Accxx can offer free calling for calls between two points within the same county. Accxx does not even see the information before it is sent for billing. It is after the billing

process has been ran and completed that Accxx has the opportunity to view the customer billing data, which is too late to catch any billing within the state of Tennessee and within any specific county.

It is the opinion of Accxx Communications LLC that the state of Tennessee update its law and place the burden of calls upon the LEC, where it should be placed. If the burden of calls is to be ignored, at least the LEC should be kept from billing the IXC for the calls made within the same county. A review and comparison of the Georgia state law should be made when looking at how the state of Tennessee should proceed. Georgia has the same law set up to deem calls within any county as free calls, but the state of Georgia places the burden of calls upon the LEC and not the IXC, which avoids any problems with carriers and or resellers of long distance services.

If telephone calls within any one county within the state of Tennessee are free calls and if the state of Tennessee has a law, 65-21-114, which declares the described calls as being free calls, then why does the state of Tennessee allow the LEC's to bill or invoice IXC's for those calls that are suppose to be free?

Respectfully submitted,
Robert Fulmer
Accxx Communications LLC.